

Fiery Oratory Saved Porter, Says a Juror

Twenty-four Hours' Deliberation Ends in Six-Six Tie; Case To Be Tried Again at Once, It Is Said

Henry Trial Postponed Smith Refuses to Open His Office to Witness for the Former Inspector

The deadlocked jury in the Porter case stood six for conviction and six for acquittal after twenty-seven ballots had been taken during twenty hours' deliberation on the testimony given for and against the former Third Deputy Police Commissioner in his trial before Judge James T. Malone. He probably will be tried within a week.

A member of the jury said last night that during the long hours in the jury room the tide of opinion ebbed and flowed, and on more than one occasion was within reach of the flood that would have meant success for one side or the other. The most successful drive made by the jurors who fought for conviction brought ten votes, but they were lost by a single vote, and the case was thrown back to the jury.

"Nine for Acquittal"
The counter attack of those jurors who thought Colonel Porter should be freed was so strong that one ballot showed nine for acquittal and three for conviction.

One of the jurors, it is said, finally became so weary and exhausted with the effort to bring something resembling unanimity out of the prolonged discussion that in a state of complete fatigue they finally agreed with which way they voted.

After both sides had staged their big drives and won all but a few votes to their belief, the jurors only six who stood solidly for conviction. In a final desperate effort to win over those holding out for acquittal after the first round, the jurors who had their minds refreshed on the testimony of two witnesses, only one juror was found to have deserted the ranks of those who believed Colonel Porter guilty.

The result of this ballot, taken early yesterday, evidently convinced one juror that there was absolutely no hope of bringing the case to one way of thinking, for when the votes were cast again they stood six to six, and it was thus that the final disagreement was presented to the court.

Henry Trial Postponed
The trial of Police Inspector Dominick Henry, indicted on a charge of neglect of duty, will be postponed until after the second trial of Colonel Porter. The Henry trial was to have started on Monday, but his attorney, W. Bourke Cockran, appeared before Judge Malone yesterday and asked that it be set for May 10. In view of the jury's disagreement in the Porter case, the court granted Mr. Cockran's request.

Mr. Cockran also asked Judge Malone to permit him and Assistant District Attorney James E. Smith to take the deposition of the testimony of General Theodore L. Bingham, former Police Commissioner, who is to sail to-day for Europe. The general was to be examined by the defense as a character witness.

After the motion was granted Mr. Cockran and Inspector Henry went to Mr. Smith's office, and were about to enter, when the fighting prosecutor caught sight of the former czar of the 4th inspection district and shouted: "Don't bring him in here! That man can't come into my office. I won't have him here!"

The official announcement that the Henry trial was to be postponed was made a few minutes after noon yesterday. When Judge Malone convened court at 11 o'clock the jury was still out, but Colonel Porter, who had spent most of the night in the corridors of the Criminal Courts Building with Martin W. Littleton, his attorney, was on hand and appeared to be in a most confident mood.

He was almost chippy as he told reporters that he was "already vindicated in the court of public opinion," regardless of any action the jury might take. The Colonel appeared to be somewhat mystified at the failure of the jury to acquit him on its first ballot, but declared that this was a mere detail, as he knew himself that he was guiltless.

The twelve men who had been wrangling over the question of Colonel Porter's guilt looked more like the remnants of a six-day bicycle race than a jury as they staggered into Judge Malone's court at six minutes after noon. They seemed anxious to separate with as little ceremony as possible. Dark circles under the eyes, shaven hair and haggard looks told a melancholy story of the night's combat.

Assistant District Attorney Smith, who conducted the prosecution, also had spent a nervous night, but he was on hand and in good humor when the jury announced its decision. He informed the court that he would try Colonel Porter again almost immediately.

When the jury filed in it was said that on the final ballot they stood nine to three for acquittal.

Missing Woman Found Dead
Body Lies Two Weeks in Room Before Discovery
When Miss L. E. Mender had been absent for two weeks from her book-keeper's desk at 81 Walker Street yesterday.

No Sugar For
Your Coffee?
Order Borden's Eagle Brand Condensed Milk at once.

It gives you the finest of rich, pure country milk condensed with sugar—it gives an added delicious flavor to your coffee. Thousands use it all the year round. The shortage of sugar won't affect you if you order Borden's EAGLE BRAND CONDENSED MILK. Write or phone for free recipes.

THE BORDEN COMPANY
108 Hudson Street
New York

terday, her employer, Irving S. Ventres, decided to see what was wrong. He went to 354 West Nineteenth Street, the address she had given when entering his employ, and found that she was not known there.

Obedient to a sudden impulse to make inquiries at 354 West Nineteenth Street, the janitor told him that Miss Mender had had a room there, but nobody had seen her for two weeks. Mr. Ventres entered her room and found her dead in bed. An ambulance surgeon said she had been dead about two weeks. On leaving Mr. Ventres's office two weeks ago Miss Mender had said she felt ill, and although it is thought that her death was due to natural causes there will be an inquiry. She was forty-three years old.

Millions in Fraudulent
War Contracts Revealed
Palmer Says \$4,420,000 in Payments Has Been Withheld in One Class Alone

From The Tribune's Washington Bureau
WASHINGTON, April 23.—Attorney General Palmer to-day announced that investigations by the department of alleged fraudulent war contracts have uncovered illegal transactions involving millions of dollars. Millions will be saved for the government through civil and criminal prosecutions now completed or under way, the Attorney General declared.

"Questionable vouchers unearthed in one class of contracts alone," Mr. Palmer said, "have resulted in withholding payments by the government amounting to approximately \$4,420,000. These contracts, under investigation for months, affect a very restricted area."

"Reports indicate that as a result of indictments already returned against certain defendants in the Northern Pacific division at Seattle, \$150,000 will be recovered from shipbuilders and former representatives of the United States Shipping Board, Emergency Fleet Corporation. Similar cases in the same district involving approximately \$250,000 will be presented to grand juries."

The bureau of investigation now has before it fifteen fraud cases. All of these involve large claims. One which is being prepared for presentation to a grand jury in Ohio involves \$325,000.

16 Hurt as Ferryboat
Crashes Into Slip Head
Four passengers were seriously injured and a dozen painfully hurt yesterday, when the Pennsylvania Railroad ferryboat Cincinnati crashed into the slip head at Exchange Place, Jersey City. Many passengers were thrown against the railings and many vehicles banged together in the passageways. Those seriously injured were Fitzroy Rodriguez, 288 East Sixty-second Street, New York, left hip fractured; Joseph Taylor, 127 Monroe Street, Manhattan, left side and left knee injured; Arthur Sisson, 39 Locust Avenue, Flushing, Long Island, right leg hurt, and William Burdick, Great Neck, Long Island, injuries to right leg.

The first three were taken to St. Francis Hospital. The accident, it was explained, was due to the strong tide, which compelled the boat to make a sharp turn to enter the slip.

Stunt Flying Prohibited
WASHINGTON, April 23.—Rigid enforcement of army regulations prohibiting stunt flying is hereafter to be required in all air service commands of the army because of the danger to pilots. During the last week in Washington alone five aviators have been injured through accidents in the air, and their planes have been virtually destroyed in the falls.

U. S. Orders
3 Warships
To Mexico
(Continued from page one)

In territory controlled by the Carranza authorities. The State Department has declined to accept this arrangement.

The notice of the Mexican government regarding the closing of these custom houses is understood to have been due to a desire to shut off from the rebel forces in northern Mexico the custom receipts at these places. The department, in reply, took the position that under international law American trade is entitled to clearance facilities at these places, and that they are justified in paying duties to the authorities in control at those points.

Unofficial advice said a force of 350 Mexican Federal troops had arrived at Mazatlan with two cannon, but made no mention of disturbances there. The armored cruiser Sacramento, which has been in Mexican waters for the last week, visiting the ports of Campeche, April 16; Ciudad Guzman, April 17; Frontera, April 19, and Tampico, had reported conditions quiet at these ports, so it is assumed here that the disturbance at Frontera developed after the cruiser's departure. On the day that the Sacramento arrived here, the commander of that vessel reported, the foreign residents appeared to be much reassured by her presence.

The Mexico City newspapers, judging from reports of the American Embassy, are under strict censorship. The advice saying that there had been no mention of the recent disturbances in that vicinity. Although telegraphic communication with outlying sections has been interrupted, the State Department is having no difficulty in keeping in touch with its representatives at Mexico City, Mazatlan, Frontera and Chihuahua.

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